

IN THE DRAWINGS

Please enter replacement sheets for Figs. 4-6. These replacement sheets are duly marked "REPLACEMENT SHEETS."

REMARKS

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of this application are respectfully requested.

In the Office Action under reply, the Examiner stated that the replacement drawings filed August 28, 2007 were not acceptable because they did not have the label “REPLACEMENT SHEET” on each sheet of drawings. Applicant’s representative points out that the label “REPLACEMENT SHEET” was on the upper right-hand corner of each replacement sheet filed August 28, 2007. Nevertheless, in the event such label was overlooked, accompanying this paper are duplicates of the replacement sheets of drawings that were filed on August 28, 2007.

At section 5 of the Office Action under reply, claim 6 was rejected under 35 USC 112, first paragraph, as allegedly reciting feature(s) having no support in the specification. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The rejection contends, “[t]here is no support in the specification as originally filed for the signal processor controlling the sampling frequency of the audio data based on the set frame rate.” Claim 6 recites, in pertinent part, “said signal processor samples an analog audio signal at a sampling frequency based on said set frame rate to generate audio data.” Thus, claim 6 states that the sampling frequency at which the analog audio signal is sampled by the signal processor is “based on” the set frame rate. There is nothing in claim 6 to state that the signal processor “controls” the sampling frequency. Support for the recitations of claim 6 is found in, for example, paragraphs [0048] and [0059] of Applicant’s published application.

In addition, at section 6 of the Office Action under reply, claims 6 and 13 are rejected under 35 USC 112, first paragraph, on the ground that both claims recite “controlling the

sampling frequency of audio data based on the set frame rate of image data,” for which there allegedly is no support in the specification. Reconsideration and withdrawal of this rejection are requested for the following reasons:

The rejection of claim 6 at section 6 of the Office Action is the same rejection as set out at section 5 of the Office Action, which has been addressed above. As for the rejection of claim 13, this claim is amended to conform to claim 6 and, therefore, the comments and remarks set forth above with respect to claim 6 are equally applicable now to claim 13.

It is respectfully submitted, claims 6 and 13 are in full compliance with the tenets of 35 USC 112; and the rejection of these claims should be withdrawn.

Claims 1-14, all the claims in this application, have been rejected, either as being anticipated or as being obvious, in view of Asada (Published U.S. Application 2004/0081437).

The present application is entitled to the Japanese priority filing date of November 15, 2002. This priority date antedates the July 30, 2003 U.S. filing date to which Asada is entitled. It is believed Asada was filed as a national phase application, based on a PCT application filed in Japan on November 6, 2001 as PCT application PCT/JP01/09663. Since Asada's PCT application and subsequent PCT publication was not in English, Asada U.S. published application 2004/0081437 is not entitled to a U.S. filing date that is earlier than the actual date on which the Asada application was filed in the USPTO.

Enclosed herewith is a verified English translation of Japanese priority application 2002-332654, from which it will be seen that claims 1-14 are fully supported by this Japanese priority application. In view of the earlier effective filing date of the present application, the Asada reference is not available as prior art with respect hereto. It is, therefore, requested that this reference be removed and that the rejection of claims 1-14 as being anticipated by or obvious in


view of Asada, taken alone or in combination with Brooks (U.S. Patent 7,047,305) or Wilkinson (U.S. Patent 5,359,464) be withdrawn. See MPEP 201.15.

Applicant's representative has earnestly sought to place this application in condition for allowance; and early notice to that effect is respectfully requested.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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